

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST CARBONICS, INC.,

Plaintiff,

v.

NUTECH CARBONICS, INC., *et al.*,

Defendants.

Case No. C03-3156L

ORDER DENYING MOTION FOR
DEFAULT JUDGMENT AGAINST
DEFENDANT ELDON PRUITT

On September 12, 2005, plaintiff Northwest Carbonics, Inc. (“Northwest”) filed a motion for default judgment against defendant Eldon Pruitt¹ in the amount of \$402,961.36. (Dkt. #41).

Northwest filed this action against NuTech Carbonics, Inc. (“NuTech”) and its officers and directors individually, including Mr. Pruitt, on October 20, 2003. Mr. Pruitt has never answered the complaint, though he filed a letter disputing the allegations therein on February 10, 2004 which entered his appearance in this action. Northwest filed a motion for default, and the Clerk entered default against Mr. Priutt on April 5, 2005.

Northwest filed a motion for entry of default judgment against Mr. Pruitt on April 14, 2005. The Court denied the motion, explaining, “Northwest’s motion contains insufficient

¹ Although plaintiff spells defendant’s name “Pruit,” the Court uses the spelling from Mr. Pruitt’s February 10, 2004 letter.

1 information to support a default judgment. Neither the Amended Complaint nor the motion for
2 default judgment identifies Mr. Pruitt's title or his role in the relevant transactions." (Dkt. #40).
3 The Court also explained that if Northwest intended to pursue its motion it must file a
4 supplemental memorandum in support of its motion for default judgment setting forth, among
5 other things, Mr. Pruitt's role in the allegedly wrongful conduct and facts to support personal
6 jurisdiction. Despite the Court's prior order, Northwest simply refiled its previous motion for
7 entry of default judgment. The Court therefore DENIES the motion for default judgment for the
8 same reasons as set forth in its prior order, and because Northwest has not served the motion as
9 required by Local Rule 55(b)(2) or noted it in compliance with Local Rule 7(d)(2).

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11 DATED this 13th day of September, 2005.

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14 Robert S. Lasnik
15 United States District Judge
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